IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12362 of 2005

Between:

Duvvuri Janardhan Reddy, S/o.Venkatarami Reddy,
R/o.Mallam Village, Chittamoor Mandal,
Nellore District.

..... PETITIONER

AND

1 Joint Collector, Nellore-524001.
2 The Revenue Divisional officer, Gudur, Nellore District.
3 The Mandal Revenue officer, Chittamuru Village, Mallam Mandal Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly in the nature of writ of mandamus declaring the action of the respondents herein in implementing the proceedings Rc.A.2709/2004 dated 8-4-2005 of the 2nd respondent herein pending appeal before the 1st respondent herein as arbitrary illegal capricious and apart from gross abuse of powers in colorable exercise under A P Land Reforms (Ceiling on Agricultural Holdings) Act 1973 & Act 9 of 1977 and consequently direct the respondent herein not to dispossess the petitioner herein from the lands mentioned in proceedings bearing Rc.A.No.2709/2004 dt.8-4-2005 and pass such other orders as may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the action of the respondents herein in implementing the proceedings Rc.A.2709/2004 dated 8.4.2005 of the 2nd respondent herein pending appeal before the first respondent herein as arbitrary, illegal capricious and apart from gross abuse of powers in colorable exercise under A.P. Land Reforms (Ceiling on Agricultural Holdings) Act 1973 and Act 9 of 1977 and consequently direct the respondents herein not to dispossess the petitioner from the lands mentioned in proceedings bearing Rc.A NO. 2709/2004 dated 8.4.2005.

The learned counsel appearing for the petitioner submits that against the impugned order passed by the second respondent dated 8.4.2005, the petitioner filed W.P.No. 9931 of 2005 and this court by an order dated 27.4.2005 directed the petitioner to file an appeal to the first respondent. Against the said order the petitioner filed W.A.No. 1017 of 2005 and this court was pleased to dispose of the Writ Appeal directing the second respondent to furnish documents as asked by the petitioner within four weeks and the petitioner was directed to file appeal with an

application for stay of the orders dated 8.4.2005. Accordingly, the petitioner filed the appeal before the first respondent and the same is still pending. The grievance of the petitioner is that the respondents neither heard the appeal nor furnished the documents as directed by this court in W.A.No. 1017 of 2005.

The learned Government Pleaser appearing for the respondents produced a copy of the proceedings dated 28.5.2005, wherein the Joint Collector, Nellore asked the Revenue Divisional Officer, Gudur to submit para-wise remarks along with lower court records immediately as the appeal petition filed by the petitioner and others against the orders of the Revenue Divisional Officer, Gudur vide Rc. No. A/2709/2004 dated 8.4.2004 was taken on file.

As seen from the record, in pursuance of the proceedings of the Joint Collector, Nellore, the Revenue Divisional Officer, Gudur submitted his remarks stating that the lands purchased by the petitioner are the surplus lands and if the allottees have already paid the surplus land value as stated by the petitioner, he should have produced the necessary documents and the pattas granted to the allottees. But the petitioner simply furnished his explanation without proper evidence to prove his ownership over the said schedule lands restored to the original allottees.

In view of the confirmation order passed by the Mandal Revenue Officer, Gudur, in proceedings Rc.A. 2709/2004 dated 8.4.2005, I see no reason to entertain the Writ Petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs. It is needless to mention that the petitioner is entitled to move the appellate authority and obtain appropriate orders on the application.

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E. DHARMA RAO, J

DATED: 14/06/2005

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To

1 Joint Collector, Nellore-524001.
2 The Revenue Divisional officer, Gudur, Nellore District.
3 The Mandal Revenue officer, Chittamuru Village, Mallam Mandal Nellore District.

4. Two CCs to G.P.for Revenue, High Court of A.P., Hyderabad (OUT)

5. Two CD copies.